

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) Criminal Action No.
v.) 13-00318-01/02-CR-W-DW
)
JOSHUA STAMPS)
and)
CANDICE LOYD,)
)
Defendants.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on May 23, 2014. Defendant Joshua Stamps appeared in person and with retained counsel Patrick Peters. Defendant Candice Loyd appeared in person and with appointed counsel James Brown. The United States of America appeared by Assistant United States Attorney Daniel Nelson.

I. BACKGROUND

On September 25, 2013, an indictment was returned charging both defendants with conspiracy to commit the crime of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 371, and charging defendant Stamps with one count of possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Nelson announced that Kathleen Mahoney will be the trial counsel for the government. Mr. Nelson will assist as second chair. The case agents to be seated at counsel table are Detective Terrence Cortes and Detective Greg Mosier, Kansas City Police Department.

Mr. Peters announced that he will be the trial counsel for defendant Joshua Stamps.

Mr. Brown announced that he will be the trial counsel for defendant Candice Loyd.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Nelson announced that the government intends to call 15 witnesses without stipulations or 8 witnesses with stipulations during the trial.

Mr. Peters announced that defendant Joshua Stamps intends to call no witnesses during the trial. The defendant may testify.

Mr. Brown announced that defendant Candice Loyd intends to call 4 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Nelson announced that the government will offer approximately 49 exhibits in evidence during the trial.

Mr. Peters announced that defendant Joshua Stamps will offer no exhibits in evidence during the trial.

Mr. Brown announced that defendant Candice Loyd intends to offer approximately 4 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Peters announced that defendant Joshua Stamps will rely on the defense of general denial.

Mr. Brown announced that defendant Candice Loyd will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Peters stated this case is definitely for trial.

Mr. Brown stated this case is definitely for trial.

VIII. *STIPULATIONS*

Stipulations are likely as to chain of custody and interstate nexus of firearm.

IX. *TRIAL TIME*

Counsel were in agreement that this case will take 2 days to try.

X. *EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS*

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 13, 2014, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by May 23, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, June 4, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, June 4, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. *UNUSUAL QUESTIONS OF LAW*

Motions in limine on the following issues will probably be filed: Issue of identifying witness as member of bomb and arson squad.

The parties anticipate the following unusual question of law: a motion dealing with "aiding and abetting" jury instruction.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, June 6, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on June 9, 2014.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
May 23, 2014